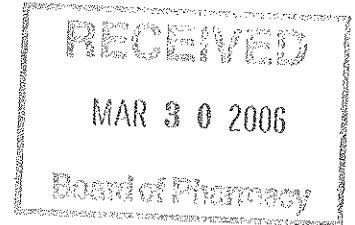


IN THE MATTER OF  
JAMES KESSLER, P.D.  
LICENSE NO. 07800

\*  
\*  
\*

BEFORE THE MARYLAND  
STATE BOARD OF  
PHARMACY

\* \* \* \* \*



**CONSENT ORDER OF REINSTATEMENT**

**Background Findings**

On December 6, 2004, Mr. Kessler submitted a Petition for Reinstatement to the Board of Pharmacy (the "Board") for reinstatement of his license to practice pharmacy. At that time, Mr. Kessler's petition was incomplete in that he had not fulfilled the terms of his Consent Order. On March 15, 2006, Mr. Kessler appeared before a quorum of the Board to present his case in support of reinstatement and to answer questions posed by the Board regarding his ability to practice pharmacy in a safe and ethical manner.

On January 23, 2001, Mr. Kessler pleaded guilty to one count of felony Medicaid fraud and one count of felony insurance fraud for submitting false claims on behalf of Cockeysville Pharmacy. On September 12, 2001, the Board entered into a Consent Order with Mr. Kessler in which his license to practice pharmacy was indefinitely suspended based on the felony convictions. The Consent Order further stated that Mr. Kessler could petition the Board for reinstatement after three (3) years provided that he had undergone a physical and mental examination and that he had maintained up-to-date continuing education credits.

**FINDINGS OF FACT**

1. Mr. Kessler has satisfactorily completed the terms of his criminal probation.
2. Mr. Kessler has submitted to both a physical and mental evaluation. Both evaluations have determined that Mr. Kessler is fit to resume the practice of pharmacy.

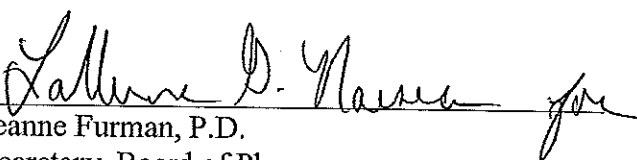
**ORDERED** that in the event the Board finds for any good faith reason that Mr. Kessler has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Kessler has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action against Mr. Kessler's license, including revocation, provided that Mr. Kessler has first been given notice and an opportunity for a hearing; and be it further,

**ORDERED** that Mr. Kessler may petition the Board for release from probation after one (1) year provided that he has been compliant with all of the terms of probation; and be it further,

**ORDERED** that this is a final order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

Date

3/20/06

  
Jeanne Furman, P.D.

Secretary, Board of Pharmacy

3. Mr. Kessler is active in Alcohol Anonymous and has abstained from alcohol use since 2001.
4. Mr. Kessler has submitted evidence of earned continuing education credits for licensure through 2008.
5. Mr. Kessler currently lives in Florida and plans to practice pharmacy in Florida.

#### CONCLUSIONS OF LAW

Mr. Kessler has successfully complied with the terms of reinstatement under the Board's Consent Order, dated September 12, 2001, and has otherwise demonstrated that he is capable of practicing pharmacy in a safe and ethical manner under the probationary conditions set forth below.

#### ORDER

Based on an affirmative vote of the Board, it is this 20<sup>th</sup> day of March, 2006, hereby:

**ORDERED** that Mr. Kessler's license to practice pharmacy be REINSTATED; and be it further

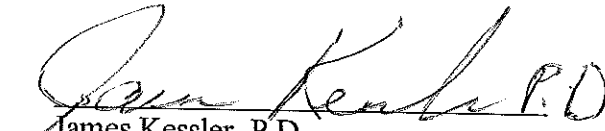
**ORDERED** that upon reinstatement, Mr. Kessler's license shall be immediately placed on PROBATION, subject to the following conditions:

1. Mr. Kessler shall not own a pharmacy and shall not practice in a pharmacy owned by a family member;
2. Mr. Kessler shall notify the Board of his pharmacy employer and any changes in pharmacy employment;
3. Mr. Kessler's pharmacy employer shall be in good standing;

**CONSENT**

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

Date 3/25/06

  
James Kessler, P.D.

STATE OF MARYLAND FLORIDA (ed)  
COUNTY/CITY OF COLLIER:

I hereby certify that on this 25th day of March, 2006, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared JAMES KESSLER, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



LINDA L. DOUGLAS  
MY COMMISSION # DD 367105  
EXPIRES: January 21, 2009  
Bonded Thru Budget Notary Services

Notary Public Linda L. Douglas  
My commission expires: 1/21/09